

In re TURNER ET AL., Application No. 09/705,395
Amendment C

REMARKS

The Office action dated December 28, 2005, and the references cited have been fully considered. In response, please enter the amendment to the specification and consider the following remarks. Reconsideration and/or further prosecution of the application is respectfully requested. No new matter is added herein.

In regards to the amendment to the specification, Applicants have taken this opportunity to cleanup a definition of the term "computer-readable medium" in the specification to ensure its usage is consistent with the MPEP. No new matter is added in this paper.

In regards to the rejections of the claims, first, Applicants respectfully traverse the 35 USC § 112 rejection as the phrase "a plurality of transmit lists" precedes the phrase "said transmit lists," and therefore, Applicants believe that there is proper antecedent basis for the phrase "said transmit list" in claim 14. For at least this reason, Applicants request the 35 USC § 112 rejection be withdrawn.

All claims stand rejected under 35 USC § 102(e) or § 103(a) as being anticipated by or obvious in light of Delp et al., US Patent 6,477,168. Applicants respectfully traverse these rejections as the Delp et al. (nor the prior art of record alone or in combination) teach all the recited claim limitations. More specifically, Delp et al. teaches as standard timing wheel; and neither teaches nor suggests the patentably distinct feature of the timing wheel used in conjunction with the transmit lists as recited in the pending claims with support provided for all claims in the originally filed specification.

Applicants note that the Office equates Delp et al.'s LCD (element 206) as both of the recited element of "entry" and "transmit list" or a linked list of LCD (element 206) as the transmit list. Applicants respectfully traverse the Office's position that Delp et al. teaches a transmit list as recited in the claims; and in fact, the claims specifically distinguish the characterization that the linked list of LCDs at positions in the timing wheel by at least the limitation of: "wherein the transmit list is distinct from data structures of the plurality of timing wheels identifying timing positions within the plurality of timing wheels." Even as stated in the

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Office action, the linked list of LCD's is associated with the timing mechanism of the timing wheels, and therefore a linked list of LCD's is not distinct from data structures of the plurality of timing wheels identifying timing positions within the plurality of timing wheels.

However, as the Office did not like that limitation, Applicants have amended each of the independent claims to remove that limitation and add the limitation: that the transmit list is not associated with a time slot within the plurality of timing wheels and entries currently in the transmit list, if any, are not currently associated with a time slot within the plurality of timing wheels for independent claim 1, and that the transmit list is not associated with a time slot within the plurality of timing wheels for claims 12, 14, 30, and 36. Support is provided at least by the previously pending claims as well as FIG. 2A and its corresponding discussion in the application as originally filed. Applicants believe that this limitation specifically excludes the traditional timing wheel linked list of entries associated with time slots as being considered as a "transmit list".

Applicants specifically invite the Office to call Applicants representative if a different word is preferred to define an access list in order to expedite prosecution as it appears that we are merely tweaking words used to describe an embodiment rather than actually changing the scope of an embodiment - as the recited words are not the invention - which is a physical thing - rather the recited words are merely a tool to describe the invention.

Additionally, Applicants have added new independent claim 42 and its dependent claim of 43, which are apparatus claims with limitations similar to independent claim 1 and its dependent claim 25, with support for these newly added claims provided at least by these pending claims, as well as the block diagrams of FIGs. 1A, 2A 2B and 7A, and the flow diagrams of 6A, 6B, 6C and 7B, and their corresponding discussion in the application as originally filed. For example, FIG. 6A illustrates a flow diagram of a timing wheel process of one embodiment; and FIG. 6B illustrates a flow diagram of a transmit list process of one embodiment. No new matter is added. Applicants believe that new claims 42-43 are allowable at least for the reasons discuss *supra*.

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Final Remarks. In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over the prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.

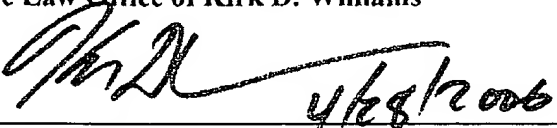
Applicants believe a one-month extension of time is required, hereby petitions for the one-month extension or any such extension of time deemed required and authorizes the Commissioner to charge any associated fees to Deposit Account No. 501430.

Additionally, the Commissioner is hereby generally authorized under 37 C.F.R. § 1.136(a)(3) to treat this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 requiring an extension of time as incorporating a request therefore, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 501430 for any fee that may be due in connection with such a request for an extension of time. Moreover, the Commissioner is hereby authorized to charge payment of any fee due any under 37 C.F.R. §§ 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 501430.

Respectfully submitted,
The Law Office of Kirk D. Williams

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By


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